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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,506	03/23/2004	Kevin Jump	JUM-101	3405

7590
John R. Benefiel
Suite 100 B
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07/14/2006

EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,506

Applicant(s)

JUMP, KEVIN

Examiner

Steven M. Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 4-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the fifth office action for U.S. Application 10/807,506 for a Hanging Adjustable Mount filed on March 23, 2004. Claims 1, 2, and 4-10 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,437,639 to Stein in view of official notice, and in further view of U.S. Patent 2,384,478 to Lapeyre. Stein discloses a generally disc-shaped mounting element (6) with a circumferential perimeter and a fastener passing through a hole (11) in the mounting element and into the wall and adapted to be rotated. Stein does not specifically disclose the fastener as being threaded, but the Examiner is providing official notice that threaded fasteners are well known in the art and it would have been obvious to one of ordinary skill in the art at the time of the present invention to utilize a threaded fastener as a matter of engineering preference. The resultant device would adapted to be rotated and advanced into the wall and tightened against the mounting element to press the mounting element against a surface of the wall to a selective degree to create a sufficient force acting between the surface of the wall and the mounting element to prevent rotation of the mounting element about the fastener or

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selectively loosened to allow rotation of the mounting element on the fastener, while the mounting element is held in a position against the wall surface by the fastener.

Lapeyre discloses a generally disc-shaped mounting element (41) having a circumferential perimeter. There is a fastener (42) passing through a hole in the mounting element and into the wall. There is a circumferentially extending engagement feature (groove 43) on the mounting element perimeter engageable at points about its circumference with a hanging support attached to the object to be mounted thereon. The feature is located eccentrically with respect to the hole and the fastener so as to be shifted vertically when the mounting element is rotated about the fastener. It would have been obvious to one of ordinary skill in the art at the time of the present invention, to have modified the hanger disc taught by Stein, with an engagement groove as taught by Lapeyre, for the purpose of providing a secure means for supporting the picture via a wire or line.

The resulting structure would have a mounting element freely rotatable about a threaded fastener when positioned thereby against a wall surface with the fastener loosened sufficiently to reduce the frictional force acting between the surface of the wall and the mounting element to thereby shift a point of engagement between the engagement feature and the hanging support along the circumference of the feature and to thereby vertically shift the point of engagement of the feature with the hanging support to a desired vertical position on the wall, the mounting element thereafter able to be frictionally held against the wall surface in the desired vertical position to be nonrotatable by tightening of the threaded fastener against the mounting element to

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create the frictional force acting between the mounting element and the wall surface sufficient to prevent rotation of the mounting element of the fastener with the object held thereon by the hanging support.

Allowable Subject Matter

Claims 4-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, and 4-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.



Steven M. Marsh

July 6, 2006


KIMBERLY WOOD
PRIMARY EXAMINER